

DANIEL WEBSTER WILBORN, )  
)  
Plaintiff, )  
)  
v. ) CASE NO. 3:17-CV-430-WKW  
) [WO]  
JAY M. JONES, *et al.*, )  
)  
Defendants. )

On December 15, 2017, the Magistrate Judge filed a Recommendation (Doc. # 31), that the motion to dismiss filed by Defendants Sheriff Jay M. Jones and Sergeant David C. Mayo (Doc. # 13) be granted. The Magistrate Judge filed a Corrected Recommendation (Doc. # 32) on December 18, 2017, that came to the same conclusion and mooted the original Recommendation. Plaintiff timely objected to the Corrected Recommendation. (Doc. # 33.) Upon an independent and *de novo* review of the record and Corrected Recommendation, Plaintiff's objections are due to be overruled and the Magistrate Judge's Corrected Recommendation is due to be adopted.

Plaintiff correctly notes two errors in the Corrected Recommendation's recitation of the facts (Doc. # 33, at 1–2), but neither is material to the Corrected

Recommendation's outcome. Plaintiff also objects to two aspects of the Corrected Recommendation's legal analysis, but those objections mostly rehash arguments he made in previous filings. The Corrected Recommendation adequately addressed those arguments and properly rejected them. To the extent Plaintiff objects on grounds not addressed in the Corrected Recommendation, those grounds are without merit and warrant no discussion.

Accordingly, it is ORDERED as follows:

1. The Magistrate Judge's Corrected Recommendation (Doc. # 32) is ADOPTED;
2. Plaintiff's objections (Doc. # 33) are OVERRULED;
3. Defendants' motion to dismiss (Doc. # 13) is GRANTED;
4. The original Recommendation (Doc. # 31) is MOOT;
5. The case is REFERRED back to Magistrate Judge David A. Baker for further proceedings regarding Defendant Terrance Moore, who has not been served and is the only remaining defendant.

DONE this 29th day of March, 2018.

/s/ W. Keith Watkins  
CHIEF UNITED STATES DISTRICT JUDGE